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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002855

SIPDIS

NOFORN

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SUBJECT: CODEL LEVIN: SRSG QAZI URGES CLOSE COORDINATION
TO ENSURE CONSTITUTION PROCESS SUCCEEDS

Classified By: Political Counselor Robert S. Ford for
reasons 1.4 (B) and (D).

1. (C/NF) SUMMARY. SRSG Qazi told CODEL Levin on July 5 that the Sunni have finally joined the Constitution Committee as members and technical advisors. He stated that Sheik Hammoudi, committee chairman, confirmed to him that all decisions, including approval of the final draft, will be done by consensus and not by voting, a factor favorable to Sunni inclusion. Qazi opined that the constitution could be completed on time, but must include the possibility for amendment. Finally, Qazi stressed that the UN and international donors "have our work cut out for us," stressing that the constitution will be beneficial to all Iraqis, with failure as the worst possible option. END SUMMARY

SUNNI PARTICIPATION ON THE CONSTITUTION COMMITTEE

2. (C/NF) UN Special Representative of the Secretary General (SRSG) Ashraf Qazi told CODEL Levin on July 5 that the Transitional National Assembly (TNA) finally agreed to accept the list of 15 Sunni delegates and 13 technical advisors to participate on the TNA's Constitution Committee. This is certainly a positive move, observed Qazi, as low Sunni participation at the successful January elections eventually had a negative impact on the constitution process. Qazi stated that the lack of an identifiable Sunni leadership created problems in determining which Sunni were truly representative and should be on the list. Qazi opined that the committee's decision process, favoring consensus over unanimity, would prove favorable for enhancing Sunni participation.

3. (C/NF) Qazi explained that he had spoken to committee chairman Sheik Humam Hammoudi, who confirmed the consensus style for committee decision-making. He said that Hammoudi said the optics of Sunni Arab participation, not the actual number of Sunni Arabs, was important. Qazi explained that progress with the constitution drafting depended on three important points: Sunni Arab presence, consensus-style agreement, and the need for the TNA to resist changing the committee's final decision on the draft constitution. Qazi explained that the basic draft of the constitution would contain about 80 to 85 percent generally agreed upon basic language, leaving the final 15 to 20 percent that will be more difficult find agreement. He expected the constitution would reflect a parliamentary government, with both a Prime Minister and a President. Qazi added that the Sunni hope for a strong constitutional president, an office they covet but will, in all likelihood, never hold.

4. (C/NF) In response to Sen. Levin's question regarding meeting the draft deadline, Qazi could not state with confidence whether or not the draft would be completed and accepted by the TNA by August 15. He explained that each major party has its own reasons for meeting, or failing to meet, that deadline, depending on whether or not the party hopes for new elections to restart the drafting exercise, or new elections to implement the new constitution. For the constitution to pass at referendum, Qazi stated that it must be in a form that can be amended to allow more work on the most difficult issues after the new assembly is seated. "We have our work cut out for us," opined Qazi, indicating that the UN and the international community must work together and synchronize our policy messages in order to help Iraq succeed in this process.

JULY 15 FIRST DRAFT, SUBMISSIONS, AND INDONESIA

5. (C/NF) SRSG Qazi commented on the following topics:

-- DEPARTURE OF COALITION FORCES: When asked if the Sunni Arabs want the Coalition Forces to depart, Qazi stated that, in principle, they want the military to leave, but realize that a premature departure would lead to greater security problems. The Shi'a, on the other hand, want the forces to remain, as they fear the Coalition is the only deterrent to the Sunni Arabs from retaking control.

-- CONSTITUTION WITHOUT THE SUNNI: Stressing their key participatory role, Qazi emphasized that the actual constitution text was less important than the drafting process. He said that participation by the Iraqi people was essential, including submitting comments prior to the final draft, in order to fully claim ownership of the constitution. He opined that a July 15 rough draft was not only possible, but also necessary in order to increase public participation.

-- POLITICAL TRUST AND THE INSURGENCY: Qazi stated that the level of trust between political parties was very low, a factor which continues to impede political cooperation. Regarding the impact of the constitution on the insurgency, Qazi stated that a successful constitution will likely have a favorable impact, but it will not be automatic, and it will be interlinked with other current issues facing Iraq.

-- UN AND INDONESIA MILITARY SUPPORT IN IRAQ: Senator Levin asked Qazi if the UN would be willing to request Indonesian military support to Iraq, especially since this would increase the Muslim presence for the coalition in Iraq. Qazi replied that the UN has not made specific requests to individual countries, but he offered to research the issue to determine if such a request could be considered under UNSCR 1546.

16. (SBU) List of participants:

United Nations Assistance Mission Iraq (UNAMI)
SRSG Ashraf Qazi
Paulos Tesfagiorgis, Constitution Legal Advisor
Alexis Martin, UNDP Public Affairs Advisor
Stephen Sequiera, Special Assistant to the SRSG
Senator Carl Levin (D-MI)
Richard DeBobes, Minority Staff Director
Daniel Cox, Professional Staff Member
Charge d'Affaires David Satterfield
Poloff Campos, notetaker

17. (SBU) CODEL Levin did not have an opportunity to clear this cable.

18. (U) REO HILLA, REO BASRA, REO MOSUL, and REO KIRKUK, minimize considered.
Satterfield